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Letter dated 8 May 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Senegal submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Neven **Jurica**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 6 May 2008 from the Permanent Mission of Senegal to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: French]

The Permanent Mission of Senegal to the United Nations presents its compliments to the secretariat of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to transmit to it the third report of the Republic of Senegal on the implementation of counter-terrorism measures (see enclosure).

Enclosure*

Third report of the Republic of Senegal on the implementation of the provisions of Security Council resolution 1373 (2001) 2004-2007

Pursuant to the provisions of the duly ratified international conventions in general and of resolution 1373 (2001) in particular, the Government of Senegal wishes to transmit the following information on its counter-terrorism machinery:

Summary

Senegal revised its Penal Code with a view to introducing a definition of terrorism into it.

In accordance with the directives of the West African Economic and Monetary Union (WAEMU), the Government of Senegal also took measures to combat the financing of terrorism. Thus, in a participatory strategy, the private sector, namely, banks and other local financial institutions, and those subject to the aforementioned directives, were sensitized and included in efforts to control money-laundering with a view to preventing the financing of terrorism.

The Senegalese Public Treasury, the Central Bank of West African States (BCEAO) and certain non-governmental organizations (NGOs) were also invited to participate. The latter made excellent use of their experience in cooperating to identify structures with possible ties to terrorist networks.

Mechanisms for registering, auditing and monitoring the use of funds were defined with a view to counteracting any transfers to structures suspected of engaging in terrorist activities.

I. Prevention and suppression of terrorist acts

A. Senegal and international instruments relating to terrorism

Thus far, Senegal has ratified 13 of 16 United Nations conventions and protocols relating to terrorism.

B. Senegal in the context of international cooperation

The Senegalese cooperation framework for fighting terrorism has both an international and regional dimension. This latest cooperation framework takes into account the obligations set out in Regulation No. 14/2000/CM/UEMOA on freezing funds and other financial resources in the fight against terrorism, and the implementation of the decisions of the WAEMU Council of Ministers requiring States to publish lists of individuals, entities and organizations whose funds are to be frozen.

In countering terrorism, Senegal maintains close relations with its immediate neighbours. Its intelligence services regularly communicate with their counterparts from Mauritania and Mali in searching for, gathering and using information on terrorism.

* The annexes to this report may be consulted in the Secretariat archives.

In this connection, Senegal and Mauritania jointly tracked down Islamists charged with terrorist acts in 2007.

It should also be noted that Senegal cooperates with the intelligence services of other countries at the subregional, regional and international levels.

II. Border surveillance

Land, maritime and air border surveillance is part of the preventive and counter-terrorism machinery. To enhance the effectiveness of counter-terrorism, particularly with a view to preventing any infiltration into Senegalese territory, the following actions have been taken:

- strengthening and training of personnel in safety and security tasks with a view to the rigorous implementation of regulations on entry into and exit from Senegalese territory;
- expansion of the land border security network and collection and analysis of border intelligence.

Moreover, specialized units are in charge of implementing procedures for the thorough control and verification of the identities of suspects who are foreign nationals staying in Senegal.

III. Suppression of the financing of terrorism

Since 2003, the Government of Senegal has become more involved in efforts to suppress the financing of terrorism. In this connection, Act No. 2007-01 of 12 February 2007, amending the Penal Code, introduced a provision, namely, article 279-3, regarding the definition of the financing of terrorism.

Under the provisions of this article:

> "The act of directly or indirectly financing a terrorist undertaking by providing, collecting or managing any fund, assets or property, or offering advice to that end, with the intention that such funds, assets or property should be used, or in the knowledge that they will be used, in whole or in part, to commit a terrorist act, shall constitute a terrorist act".

In Senegal, moreover, adoption of the WAEMU uniform law on combating terrorism and money-laundering took the form of, inter alia, a vote on Act No. 2004-09 of 6 February 2004, requiring those subject to it to report suspicious financial transactions. The National Financial Information Processing Unit, established by Decree No. 2004-1150 of 18 August 2004, was set up to receive reports of suspicious transactions.

IV. Combating the recruitment and training of terrorists

The fight against the recruitment and training of terrorists is dealt with in the Senegalese Penal Code (article 279-1).

From an operational standpoint, the Government of Senegal has a Strategic Orientation Centre, which coordinates the activities of counter-terrorism structures such as the National Security Agency, the Directorate of Territorial Surveillance, the Directorate of Border and Aviation Police, the Counter-Terrorism Unit, the Directorate of Aliens Police and Travel Documents and the Directorate of Documentation and External Security.

In addition, in the context of their specific missions, the General Directorate of Customs and the Directorate of Water, Forestry and National Parks, contribute to the fight against terrorism.

Lastly, the courts and tribunals participate actively in the suppression of organized crime.

V. Adoption of domestic measures

In recent years, Acts No. 2004-04, No. 2004-09 of 6 February 2004 and No. 2007-01 of 12 February 2007 have served as major legal instruments forming the basis for counter-terrorism in Senegal.

As part of the fight against money-laundering and the financing of terrorism, the National Financial Information Processing Unit was assigned the task of gathering financial information, and collecting and processing reports of suspicious transactions.

Legal measures included the amendment of certain basic laws, in particular, article 677-2 of the Code of Criminal Procedure, which specifies that upon authorization from the judge or instructions from the Public Prosecutor, searches may be conducted without notice and when the suspect is not present.

In this same vein, the competence of the regional tribunal of Dakar and the Court of Appeal of Dakar in counter-terrorism matters extends throughout the national territory.

Lastly, Act No. 2004-04 introduced provisions into the Code of Criminal Procedure for setting up a counter-terrorism unit composed of a section of the Prosecutor's Office with one or more offices of examining magistrates specializing in information.

VI. Granting of the right of asylum or refugee status

The Government of Senegal, through the National Commission on Eligibility for Refugee Status, periodically reviews the applications for asylum submitted to it.

The work of this Commission, composed of officials of the Ministry of Justice, the Ministry of Foreign Affairs, and the Ministry of the Interior and representatives of the High Commissioner for Refugees (observer status), is based on the Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

Thus far, this Commission has not yet decided on applications for asylum for those suspected of having committed terrorist acts.

VII. Sanctions

In Senegal, the maximum penalty that can be imposed on a person convicted of terrorist acts is hard labour for life, as the death penalty was abolished in 2004.

As a matter of fact, article 677-2 of the Code of Criminal Procedure clearly establishes new time limits for the prosecution of terrorist acts. The time limit for the prosecution of terrorist acts is 30 years, and the minimum sentence has been increased to 40 years' imprisonment or hard labour for life.

VIII. Assistance, evaluation and guidance

In September 2004, the Senegalese machinery for combating money-laundering and the financing of terrorism was evaluated by the World Bank.

Moreover, Senegal's counter-terrorism capacities were strengthened, in particular, through the training of judges.

In view of its inadequate resources for combating terrorism, Senegal will soon be submitting a request to the Committee for technical assistance.